

article, were false and fraudulent in that said article contained no ingredients or combination of ingredients capable of producing the effects claimed.

On November 12, 1920, no claimant having appeared for the property, a default decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

**S765. Adulteration and misbranding of aspirin. U. S. \* \* \* v. 458 Boxes, 411 Bottles, and 348 Vials of Aspirin. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 12589. I. S. No. 8068-r. S. No. C-1575.)

On April 22, 1920, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 458 boxes, 411 bottles, and 348 vials of aspirin, remaining unsold in the original unbroken packages at Omaha, Nebr., shipped on or about July 24, 1919, by C. Berthel & Co., New York, N. Y., and transported from the State of New York into the State of Nebraska, and charging adulteration and misbranding under the Food and Drugs Act.

Examination by the Bureau of Chemistry of this department of samples taken from the shipment showed that the composition of the product was variable. The aspirin content varied from 3.5 to 4.8 grains per tablet. Varying amounts of acetic acid and compounds of acetic and salicylic acids other than aspirin were present.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia, official at the time of the investigation, and for the further reason that its strength or purity fell below the professed standard or quality under which it was sold.

Misbranding of the article was alleged for the reason that the statement "Aspirin 5 Grain," borne on the labels attached to the article, was false and misleading and deceived and misled the purchaser into believing that he would be purchasing pure aspirin, whereas, in truth and in fact, the said product was not pure aspirin. Misbranding was alleged for the further reason that the product was an imitation of, and was offered for sale under the distinctive name of, another article.

On June 18, 1920, no claimant having appeared for the property, a default decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

**S766. Misbranding of canned hominy. U. S. \* \* \* v. 872 Cases of Canned Hominny. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 12590. I. S. No. 5005-r. S. No. W-592.)

On April 20, 1920, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 872 cases of canned hominy, remaining unsold in the original unbroken packages at Tucson, Ariz., alleging that the article had been shipped on or about August 20, 1918, by the Empson Packing Co., Longmont, Colo., and transported from the State of Colorado into the State of Arizona, and charging misbranding under the Food and Drugs Act, as amended. The article was labeled in part,